

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

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SNMP RESEARCH, INC. and SNMP
RESEARCH INTERNATIONAL, INC.,
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Plaintiffs,
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v.
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:
BROADCOM INC.; BROCADE
COMMUNICATIONS SYSTEMS LLC; and
EXTREME NETWORKS, INC.,
:
:
:
Defendants.
:
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Case No. 3:20-cv-00451-CEA-DCP

U.S. District Judge Charles E. Atchley

**EXTREME NETWORKS, INC.’S NOTICE OF MOTION
TO REFER QUESTIONS TO THE REGISTER OF COPYRIGHTS**

PLEASE TAKE NOTICE that, on March 20, 2023, upon the accompanying Memorandum of Law in Support, the Declaration of Leslie A. Demers and the exhibits attached thereto, and the proceedings to date herein, Defendant Extreme Networks, Inc. (“Extreme”), by and through its undersigned attorneys, respectfully moves this Court to request the Register of Copyrights, pursuant to 17 U.S.C. § 411(b)(2), to advise whether the inaccurate information in Plaintiffs SNMP Research, Inc.’s and SNMP Research International, Inc.’s (collectively, “SNMPR”) eight copyright registrations at issue in this matter, if known, would have caused the Register of Copyrights to refuse registration. Extreme respectfully requests that the Court refer the following question to the Register of Copyrights:

Would the Register of Copyrights have rejected SNMPR’s following copyright registrations if it had known that the claimed software had been published prior to SNMPR seeking to register its works as unpublished: Registration No. TXu 1-706-718, registered on January 25, 2011; Registration No. TXu 1-772-248¹, on July 20,

¹ The first page of the registration certificate provided by SNMPR with its Amended Complaint
(*cont’d*)

2011; Registration No. TXu 1-772-250, on July 20, 2011; Registration No. TXu 1-738-956, on February 3, 2011; Registration No. TXu 1-707-158, on February 3, 2011; Registration No. TXu 1-738-954, on February 3, 2011; Registration No. TXu 1-707-157, on February 3, 2011; and Registration No. TXu 1-738-958, on February 3, 2011?

DATED: March 20, 2023
New York, New York

Respectfully Submitted,

/s/ Leslie A. Demers

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(ECF No. 244) shows the registration number as “TXu 1-722-248,” but subsequent pages show the registration number as “TXu 1-772-248.” (ECF No. 244-2 at 6-9.)

CERTIFICATE OF SERVICE

I hereby certify that Extreme Networks, Inc.'s Motion to Refer Questions to the Register of Copyrights is being served on all counsel of record in the above-captioned litigation via electronic filing and email on this 20th day of March, 2023.

/s/ Leslie A. Demers